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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/895,432	06/29/2001	Puneet Kukkal	42390P11150	8961

7590 10/05/2004

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EXAMINER

BILGRAMI, ASGHAR H

ART UNIT	PAPER NUMBER
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2143

DATE MAILED: 10/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/895,432	Applicant(s) KUKKAL, PUNEET	
	Examiner Asghar Bilgrami	Art Unit 2143	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☐ Claim(s) ____ is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 June 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) * | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1 through 30 are rejected under 35 U.S.C. 102(e) as being anticipated by LARA et al (U.S. Pub No. 2003/0041094A1).

3. As per claims 1, 9, 10, 11, 14, 16, 17, 18, 19, 20, 24, 29 & 30 a method comprising: generating a preferred list of edge sites from a plurality of edge sites upon receiving a media content request from a client; providing the preferred list to the client; requesting the media content by accessing a first edge site from the preferred list (page.1, paragraph 9); providing the media content from the first edge site to the client; monitoring the providing of the media content from the first edge site to the client for disturbance; requesting the media content by accessing a second edge site from the preferred list when encountering the disturbance (page 2. paragraphs 28, 29); and providing the media content from the second edge site to the client (Page.3, paragraph 36).

4. As per claim 2 the method of claim 1, wherein the client comprises a viewer (page 2. paragraph 29).

5. As per claim 3 the method of claim 1, wherein the client comprises a listener (page 2. paragraph 29).

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6. As per claims 4, 5 & 12 the method of claim 1, wherein the generating the preferred list is performed by a data center, based on a predetermined criteria (page 2. paragraph 28).

7. As per claims 6, 7, 8, 27 & 28 the method of claim 1, wherein the requesting the media content is performed by an Intelligent Media Accessor (page 2. paragraph 28).

8. As per claims 13, 15 & 25 the method of claim 12, wherein the predetermined criteria may include availability of the media content, geographical proximity of the plurality of edge sites, network availability, and quality level of the media content (page 2. paragraphs 28 & 75).

9. As per claims 21, 22, 23 & 26 the machine-readable medium of claim 21, wherein the providing the preferred list to the client is performed by the data center comprising a main repository of the media content and a table indicating the media content of edge sites on the preferred list of edge sites (page 3, paragraphs 34 & 35).

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Skene (U.S. Pub No 2001/0052016) disclosed method and system for balancing load distribution on a wide area network.

Cousins (U.S. Pub No 2001/0029544A1) disclosed system for increasing data packet transfer rate between a plurality of modems and the internet.

Hattori (U.S. Pub No 2002/0099819A1) disclosed information processing system and information processing method and service supplying method for use with the system.


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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Asghar Bilgrami whose telephone number is 703-305-4623 or 571-272-3907 after October 2004. The examiner can normally be reached on M-F, 8:00-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley can be reached on 703-308-5221 or 571-272-3907 after October 2004. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Asghar Bilgrami
Examiner
Art Unit 2143



DAVID WILEY
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100